



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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**JUN 25 2015**

Ref: 8EPR-N

James M. Sparks, Field Manager  
Billings Field Office  
Bureau of Land Management  
c/o Carolyn Sherve-Bybee, RMP Team Leader  
5001 Southgate Drive  
Billings, MT 59101

Re: Billings Field Office Proposed Resource Management Plan and  
Final Environmental Impact Statement, CEQ #20150142

Dear Mr. Sparks:

The U.S. Environmental Protection Agency Region 8 has reviewed the Bureau of Land Management (BLM) June 2015 Final Environmental Impact Statement (EIS) and Proposed Resource Management Plan (PRMP) for the Billings Field Office (BiFO), including Pompeys Pillar National Monument. Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

**Background**

The BiFO planning area, including Pompeys Pillar National Monument, consists of approximately 10.5 million acres mostly in Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone Counties, Montana, with a small portion in Big Horn County, Wyoming. The planning area also includes lands of the Crow Indian Reservation, and the Northern Cheyenne Reservation is directly adjacent to the east. Of the total planning area acreage, about 434,150 surface acres and 889,500 mineral acres are administered by the BLM.

The March 2013 Draft EIS identified the Preferred Alternative as Alternative D, which was intended to provide a balance between long-term resource conservation with commodity production, recreation access and services. Based on comments received, Alternative D was modified and is now presented as the PRMP to provide comprehensive, long-range decisions for the use and management of resources in the planning area administered by the BLM. The PRMP is designed to address numerous management challenges for resource use, including energy development, travel management, livestock grazing and greater sage-grouse habitat management, in a manner that conserves physical, biological, heritage and visual resources. This PRMP will replace the 1984 Billings RMP. Since this is a programmatic analysis, site specific projects are not being considered or approved at this time.

We appreciate that many of our June 21, 2013 comments on the Draft EIS have been addressed. Our remaining comments are all within the scope of concerns expressed in our Draft EIS comment letter and focus on only the most significant of those concerns as they pertain to the NEPA analysis and protection of air resources and water resources.

## **Air Resources**

We want to reiterate that the BLM Montana/Dakotas Office has done an excellent job of implementing the 2011 “MOU Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through the NEPA Process” and coordinating the associated Air Quality Technical Workgroup (AQTW). The collaboration among the AQTW participants has resulted in effective and efficient NEPA air quality analyses thus far, and we believe it will continue to do so moving forward. The results of this collaboration and analyses are evident in PRMP measures, such as oil and gas lease stipulations and emissions reduction strategies to be required at the project level. These measures will help ensure that air quality and air quality related values are protected as projects begin to move forward and are tiered to the RMP analyses. The analyses, mitigation measures, and related collaborative processes are well-documented in the Final EIS and Air Resource Management Plan and include the BLM’s commitment to “facilitate an interagency process to ensure that a comprehensive strategy is developed to manage air quality impacts from future oil and gas development in the region.” We acknowledge and appreciate the resources and effort that have made the BLM Montana/Dakotas AQTW process successful thus far, and we look forward to continued participation.

## **Greenhouse Gas (GHG) Emissions and Climate Change**

We appreciate the discussion of climate change and the inclusion of GHG emissions inventories for each alternative. We also note that Table 2-10, Detailed Table of Alternatives, includes climate change-related management goals (e.g., reduce GHG emissions; maintain or improve the ability of BLM-administered lands to reduce (sequester) atmospheric GHGs) and management actions that will be implemented (e.g., prioritize actions that reduce or mitigate GHG emissions such as enhanced energy efficiency, use of lower GHG-emitting technologies and/or renewable energy, and capture or beneficial use of fugitive methane emissions; promote vegetative capture and storage of carbon).

We believe the Council on Environmental Quality (CEQ) December 2014 Revised Draft Guidance for Federal Agencies’ Consideration of GHG Emissions and Climate Change offers a reasonable approach for conducting analyses of GHGs and climate change impacts. We note the Billings PRMP/Final EIS compares the GHG emissions to state, national and global emissions; we believe this approach does not provide meaningful information for a planning level analysis. We recommend that the NEPA analyses provide a frame of reference, such as an applicable federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals.

While the Chapter 4 Air Resources and Climate section notes that “the lack of scientific tools (models with sufficient spatial and temporal resolution) to forecast climate change at local scales limits the ability to quantify many future impacts of climate change in the planning area,” we recommend agencies follow the approach recommended in the CEQ guidance of using the projected GHG emissions as proxy for assessing a proposed action’s potential climate change impacts. This allows an agency to present the environmental impacts in clear terms and with sufficient information to make a reasoned choice between the no-action and alternatives and mitigation.

## Water Resources

Surface Water Resource Characterization: Our comments on the Draft EIS recommended updating the Clean Water Act (CWA) Section 303(d) Impaired Waters List to 2012 rather than presenting the 2010 data that had been included at the time. We note that the Response to Comments refers readers to the Montana Department of Environmental Quality website where information is “easily accessible.” We continue to recommend that the most current CWA 303(d) list be included in the RMP/EIS in order to fully inform the public and the decision-maker of the most current conditions in the planning area. This information is critical to assessing impacts and determining appropriate mitigation measures. We strongly recommend that the most current data available be utilized during project level NEPA analyses.

Groundwater Resource Characterization, Impacts and Mitigation: In the Response to Comments section of the Final EIS, our recommendations regarding groundwater issues were largely deferred to project level analyses. Since Chapter 3 notes that groundwater is a valuable resource in Montana, it will be particularly important that project level analyses clearly describe the groundwater resources of the planning area, analyze potential impacts, and assess best management practices and mitigation measures to protect the groundwater resources. We request that the BiFO refer to our June 21, 2013 comments on this Draft EIS to inform its future project level analyses with regard to groundwater resources.

Oil and Gas Lease Stipulations: We appreciate the BLM’s considerable effort to protect water resources in the BiFO. The PRMP includes oil and gas lease stipulations that will be applied at the project level to protect water resources, including perennial or intermittent streams, lakes, ponds, reservoirs, 100-year floodplains, wetlands/riparian areas, and source water protection areas. We also appreciate the addition of the Lease Notice for Setbacks from Human Occupied Residences, which will ensure that facilities will not be allowed within 500 feet of human occupied residences. This measure essentially addresses our recommendation for a minimum 500-foot setback from private wells.

While some of these water resource lease stipulations are not completely consistent with the EPA’s recommendations for No Surface Occupancy (NSO), we understand through the Miles City Field Office that the BLM believes a valuable level of buffer protection was achieved by including 100-year floodplains in the areas managed under the NSO lease stipulation in combination with the Controlled Surface Use (CSU) lease stipulation for riparian and wetlands areas. We encourage you to continue this positive trend in protecting the BiFO’s valuable water resources.

We continue to recommend that the CSU lease stipulation for Riparian and Wetlands Resources be revised to NSO. We believe that NSO buffers are, in most circumstances, the surest method to protect aquatic resources, particularly in areas where high value water resources are in close proximity to areas with oil and gas development potential that may result in a high density of wells. We recommend NSO to minimize potential deterioration of water quality and to maintain natural hydrologic function of stream channels, stream banks, floodplains and riparian communities. We make this recommendation, in part, based on the fact that a large number of waterbodies in the BiFO planning area are impaired due to sedimentation and/or alteration in stream-side vegetative cover. Many causes of impairment can have several probable sources, including unknown sources, and assigning probable sources is a tentative exercise. While oil and gas development activities may not be specifically identified as a causal factor at this time, many BLM-authorized activities, including oil and gas development, have the potential to contribute to concerns regarding sedimentation and stream-side vegetation alteration. With this in mind,

we request that this NSO recommendation be re-evaluated during the lease sale stage or project level NEPA analyses.

*Water Management Associated with Oil and Gas Development:* We note that quantitative analysis of these issues was deferred to the project level. Given concerns with drought conditions in the planning area, it will be particularly important for project level analyses to address issues related to the management of flow back and produced water, including the following topics: estimated water demand; sources of this water; potential impacts of the water withdrawals; estimated volume of produced water to be generated; options and potential locations for managing the produced water; and potential impacts of produced water management.

*Water Resource Monitoring:* We note that our Draft EIS recommendations related to water resource monitoring were not addressed. We continue to recommend that all BLM-authorized oil and gas multi-well projects be required to conduct groundwater and surface water monitoring prior to, during and after development to detect impacts to both surface water and groundwater resources. Recent spill events highlight the importance of gathering pre-development data. In anticipation of the need for baseline information to respond to spill events and/or potential future reporting needs, we encourage you to develop a water quality monitoring plan for inclusion in the RMP. We are available to discuss such plans if that would be helpful.

## **Appendices**

We note a few inconsistencies in the appendices that simply may be an oversight in revisions made throughout the document between the Draft EIS and the Final EIS. We are pointing them out here to ensure clarity and consistency within the RMP and with other Field Offices where these revisions were addressed.

*Appendix C, Oil and Gas Stipulations:* Stipulations listed under Preferred Alternative D do not match those included in Chapter 2 and/or Chapter 4, including requirements identified in both the Chapter 2 summary discussion of changes from the Draft EIS and in the alternatives comparison table (i.e., Table 2.10). Specifically, stipulations that appear to be missing from Appendix C for the Preferred Alternative are the CSU for Air Resources to stipulate engine emission control requirements and the NSO for Badlands and Rock Outcrop. In addition, although Chapter 2 and Chapter 4 include the revisions to the NSO for Riparian, Water, Wetlands, and Floodplains to delete the clause “as indicated by obligate wetland species or hydric soils,” this language still appears in Appendix C. We recommend these changes be carried through to Appendix C for clarification and consistency purposes.

Also, in Appendix T, the Air Quality Resource Management Plan, it appears that some revisions that occurred to this statewide document in other Field Offices were not carried through to the Billings plan. For example, Section 6.2.3 indicates that following photochemical grid modeling completion, the BLM would calculate design values for each pollutant monitored at a federal reference monitor within the planning area. In our comments on the Draft EIS, we suggested revising this language to include federal equivalent method monitors since data from these monitors could be used in an identical fashion to the data collected from federal reference monitors. We recommend ensuring that the Billings Appendix T presentation of the statewide Air Resource Management Plan accurately reflects changes that were made to the document in other Field Offices.

## Closing

We have greatly appreciated the BLM's collaborative efforts over the years of development of this EIS. While we support your PRMP, we note that if a less protective decision is ultimately selected, then some of our previous comments on the water resources and air quality analyses and mitigation measures for this EIS would be important to revisit. If further explanation of our comments is desired, please contact me at 303-312-6704, or your staff may contact Amy Platt, at 303-312-6449 or [platt.amy@epa.gov](mailto:platt.amy@epa.gov).

Sincerely,



for

Philip S. Strobel  
Director, NEPA Compliance and Review Program  
Office of Ecosystems Protection and Remediation

cc: Joe Meek, Montana Department of Environmental Quality

